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SUBJECT: CAMBODIAN COURTS FOCUS DISPROPORTIONATELY ON THE  
POOR

¶1. (SBU) Summary. Under the spotlight of NGOs, the media, and the Sam Rainsy Party (SRP), the Kompong Cham Provincial Court on August 2 handed down light sentences to three women accused of stealing waste rubber from the private plantation near their village. The women claimed that they were accustomed to paying fees to plantation guards for trespassing and collecting small amounts (1-2 kilos) of waste rubber for resale, and did not realize they had committed a crime; the opposition SRP hopes to capitalize on increasing frustration among Cambodia's poor in upcoming elections. End Summary.

#### Poor Women on Trial for Stealing Rubber Residue

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¶2. (U) Police charged three Cambodian women with stealing waste rubber from a local rubber tree plantation over a two-month period (May and June 2006). Although more than 12 people were initially apprehended, only three faced trial due to their lack of financial resources to pay off police and judicial officials, claimed senior SRP official Mu Sochua. NGOs such as ADHOC, LICADHO, CCHR, Democracy National Development (DND), and the Cambodian Independence Agency Corruption Committee (CIACC) came to the aid of the three women, citing an inappropriate use of the justice system against poor villagers. Mu Sochua said that a strong NGO presence and media attention is necessary to compel Cambodian courts to rule impartially; thus, NGOs monitor such cases and organize groups of observers and the press to witness trials as a check on judicial excesses. Provincial Court Judge Plang Chhlam handed down six-month suspended jail sentences to each of the three women. Though pleased that the women would not have to spend time in prison, Sochua commented that the judge should have dismissed all the charges.

¶3. (U) All of the women, ages ranging from 20-25, claimed in their defense that they did not know that they were committing a crime. Each woman ventured onto the plantation property after hours to collect small amounts of excess rubber residue that ordinarily would be discarded. If a guard caught them, he would be paid some money to let them go. On a typical day, they could earn one dollar by collecting 2 kilos (roughly two cups) of rubber. None of them claimed to know that they could be jailed for their actions because they had been collecting rubber for over a year. Their lawyer, hired by SRP special counsel, argued that they should be released because of their lack of education, extreme poverty, and the non-serious nature of the crime.

¶4. (SBU) Comment. The SRP and human rights NGOs note that there are a disproportionate number of poor people caught in similar circumstances who are unable to pay bribes to avoid going to jail over petty crimes; meanwhile, Cambodia's prison population continues to grow. The opposition SRP plans to

continue to highlight corruption, land grabbing and the plight of Cambodia's rural poor in the run up to elections in 2007 and 2008 to gather political support from Cambodia's poor, rural population -- a segment of the electorate that traditionally identified itself in previous elections with the ruling CPP. End comment.

MUSSOMELI